S.B.Civil Writ Petition NO.57/2005

Manohar Lal

vs

Nathdwara Temple Board & Ors.

DATE OF ORDER : - 6.1.2005

HON'BLE MR. PRAKASH TATIA,J.

Mr. Manish Shishodia, for the petitioners.

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Heard learned counsel for the petitioners.

This writ petition is against the orders of the two courts below by which the two courts below refused to grant mandatory injunction in favour of the petitioner despite the fact that on earlier occasion the petitioner obtained the mandatory injunction during the pendency of the earlier suit against the present respondent. The two courts below considered the facts of the case and also considered the earlier interim order and, thereafter, refused the mandatory injunction. It will be relevant to mention here that the petitioner's suit in which mandatory injunction was granted by the trial court on 9th Sept., 2001 was dismissed, which according to petitioner it was dismissed because the respondent-defendant gave assurance that he will not dispossess the

petitioner.

After going through the facts of the case, I do not find any illegality in the two orders. Hence, the writ petition of the petitioner is dismissed. However, the trial court may decide the suit expeditiously as early as possible.

(Prakash Tatia), J.

c.p.goyal/-